

EXHIBIT NO. 10

D.S., ET AL. vs CITY OF HUNTINGTON PARK, NICK NICHOLS, ET AL.
Nick Nichols on 11/18/2024

REMOTE VIDEOCONFERENCING DEPOSITIONS: A PRACTICAL PERSPECTIVE

19 NICK NICHOLS

MONDAY, NOVEMBER 18, 2024

21

22

23 Reported Stenographically By:

24 Jinna Grace Kim, CSR No. 14151

25 Job No. : 115433

D.S., ET AL. vs CITY OF HUNTINGTON PARK, NICK NICHOLS, ET AL.
Nick Nichols on 11/18/2024

1 UNITED STATES DISTRICT COURT
2 CENTRAL DISTRICT OF CALIFORNIA

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4 D.S., a minor by and through his)
guardian ad litem Elsa Acosta,)
5 individually and as successor-in-)
interest to William Salgado; C.S., a)
6 minor by and through his guardian ad)
litem Elsa Acosta, individually and)
7 as successor-in-interest to William)
Salgado; J.S., a minor by and through)
8 her guardian ad litem Elsa Acosta,)
individually and as successor-in-)
9 interest to William Salgado; M.S., a)
minor by and through her guardian ad)
10 litem Elsa Acosta, individually and)
as successor-in-interest to William)
11 Salgado,)
12 Plaintiffs,)
13 vs.) Case No.
14 CITY OF HUNTINGTON PARK; NICK NICHOLS,)
RENE REZA; MATTHEW RINCON; APRIL)
15 WHEELER and DOES 5 through inclusive,)
16 Defendants.)

18 The remote videoconference deposition of NICK
19 NICHOLS, taken on behalf of the Plaintiffs, beginning at
20 10:03 a.m., and ending at 1:05 p.m., on Monday, November 18,
21 2024, before Jinna Grace Kim, Certified Stenographic
22 Shorthand Reporter No. 14151.

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1 CALIFORNIA

2 MONDAY, NOVEMBER 18, 2024

3 10:03 A.M.

4 NICK NICHOLS,

5 called as a witness on behalf of the Plaintiffs, having been
6 first duly sworn remotely via videoconference, was examined
7 and testified as follows:

8 EXAMINATION

9 BY MR. GALIPO:

10 Q. Can you please state your name and spell it for the
11 record.

12 A. My name is Nick Nichols, N-i-c-h-o-l-s.

13 Q. Who do you currently work for?

14 A. City of Huntington Park.

15 Q. What is your current assignment?

16 A. I'm assigned as a -- I'm a police officer with the
17 title of corporal and assigned to the K-9 Unit under the
18 patrol unit.

19 Q. Were you able to hear me?

20 I don't know if you froze for a second.

21 A. Yeah. As far as my --

22 Q. I'm sorry. You know, I got a little signal that my
23 connection was unstable which is very rare here. I might
24 have my tech people help me.

25 But I had asked you to how long you had been a law

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1 enforcement officer.

2 I don't know if you were able to hear that.

3 A. My apologies. I did not hear that.

4 I can answer your question, though.

5 I'm going on 23 years.

6 Q. And with respect to your education background, I'm
7 assuming you graduated high school?

8 A. Yes, sir.

9 Q. And what year did you do that in?

10 A. 1997.

11 Q. Did you play any sports in high school?

12 A. I did.

13 Q. What sports did you play?

14 A. I played water polo, baseball, and I swam on the
15 swim team.

16 Q. And after high school did you go to any college?

17 A. Yes.

18 Q. And can you tell me about that, please.

19 A. I attended Golden West Community College.

20 Q. And what time frame were you there?

21 A. From around 1997 to 2000.

22 Q. Did you study anything in particular?

23 A. Criminal Justice as well as General Studies.

24 Q. Any military experience?

25 A. No.

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1 A. Well, not the best, but it was the stairwell that
2 was cover for me. I also had a little nook because where I
3 was positioned, because it's a north, there was an area where
4 I could recede into if it was necessary. In my mind if he
5 was going to start shooting, I could have dipped in there.

6 Q. At any time did you see a gun in Mr. Salgado's
7 hand?

8 A. No.

9 Q. Did you ever see a gun on his person?

10 A. No.

11 Q. Do you recall there being some attempted
12 conversation about Mr. Salgado's kids?

13 A. I want to say maybe Officer Rincon spoke about that
14 with him.

15 Q. Do you recall Salgado saying something to the effect
16 "I have lost everything?"

17 A. Yes.

18 Q. Do you recall him saying something to the effect,
19 "Just fucking do it?"

20 A. Yes.

21 Q. And when he said, "Just fucking do it," what did you
22 think he was referring to?

23 A. He said it multiple times from my memory, and I
24 perceived it as maybe taking his life.

25 Q. Meaning, for the officers to shoot him, to take his

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1 MR. GALIPO: Kent, are you good?

2 MR. HENDERSON: I did want to ask a couple more
3 questions if I could.

4 MR. GALIPO: Sure.

5 EXAMINATION

6 BY MR. HENDERSON:

7 Q. Officer Nichols, did Mr. Salgado before you shot
8 him, in the moments before you shot him, did he put his hands
9 in the air in a position of surrender?

10 Did that happen?

11 A. I did --

12 MR. COLVIN: Objection. Calls for speculation.

13 You can respond.

14 THE WITNESS: I did not see that.

15 BY MR. HENDERSON:

16 Q. Are you saying that never happened; that Mr. Salgado
17 did not before you shot him, put his hands in the air in a
18 position of surrender?

19 Is that your testimony; that never happened, true?

20 MR. COLVIN: Objection. Asked and answered; calls
21 for speculation.

22 BY MR. HENDERSON:

23 Q. Is that your testimony? It never happened?

24 A. My testimony is I did not observe that.

25 Q. Is it fair to say that if Mr. Salgado had been in a

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1 position of surrender with his hands in the air, you would
2 not have shot him; is that true?

3 MR. COLVIN: Objection. Calls for speculation;
4 lacks foundation; incomplete hypothetical.

5 You can respond.

6 THE WITNESS: Well, in this assumption is he still
7 advancing towards us with the knife, or is he stopped?

8 BY MR. HENDERSON:

9 Q. Let's say he has stopped and he has his hands in the
10 air.

11 MR. COLVIN: Objection. Lacks foundation; calls for
12 speculation; incomplete hypothetical.

13 But you can respond.

14 THE WITNESS: With that assumption in mind, can you
15 repeat the question, please.

16 BY MR. HENDERSON:

17 Q. Sure. Let's say Mr. Salgado stops; he puts his hand
18 in the air in a position of surrender, is it fair to say that
19 at that moment you would not have shot him?

20 MR. COLVIN: Same objections.

21 THE WITNESS: Yes, that is fair to say.

22 MR. LEVINE: All right. I don't have anything
23 else.

24 MR. GALIPO: Nothing further.

25 MR. COLVIN: Nothing on my end.

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1 MR. GALIPO: Okay. Let's go off the record.

2 (Deposition proceeding concluded at 1:05 p.m.)

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1 DECLARATION UNDER PENALTY OF PERJURY

2

3 Case Name: D.S., a minor et al. vs. City of Huntington Park,
4 et al.

5 Date of Deposition: November 18, 2024

6 Job No.: 115433

7

8 I, _____, hereby certify
9 under penalty of perjury under the laws of the State of
10 California that the foregoing is true and correct.

11 Executed this _____ day of _____,
12 20____, at _____, California.

13

14

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18

_____ NICK NICHOLS

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1 CERTIFICATE

2 OF

3 CERTIFIED STENOGRAPHIC SHORTHAND REPORTER

4

5 I, JINNA GRACE KIM, CSR No. 14151, a Certified
6 Stenographic Shorthand Reporter of the State of California,
7 do hereby certify:

8 That the foregoing proceedings were taken before me
9 at the time and place herein set forth;

10 That any witnesses in the foregoing proceedings,
11 prior to testifying, were placed under oath;

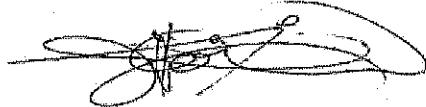
12 That a verbatim record of the proceedings was made
13 by me, using machine shorthand, which was thereafter
14 transcribed under my direction;

15 Further, that the foregoing is an accurate
16 transcription thereof.

17 I further certify that I am neither financially
18 interested in the action, nor a relative or employee of any
19 attorney of any of the parties.

20

21 IN WITNESS WHEREOF, I have subscribed my name, this
22 date: November 18, 2024.

23 
24

25 Jinna Grace Kim, CSR No. 14151

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1 DEPOSITION ERRATA SHEET

2 Case Name: D.S., a minor et al. vs. City of Huntington Park,
3 et al.

4 Witness: Nick Nichols

5 Date of Deposition: November 18, 2024

6 Job No.: 115433

7 Reason Codes: 1. To clarify the record.
8 2. To conform to the facts.
9 3. To correct transcription errors.

10

11 Page ____ Line ____ Reason ____

12 From _____ To _____

13 Page ____ Line ____ Reason ____

14 From _____ To _____

15 Page ____ Line ____ Reason ____

16 From _____ To _____

17 Page ____ Line ____ Reason ____

18 From _____ To _____

19 Page ____ Line ____ Reason ____

20 From _____ To _____

21 Page ____ Line ____ Reason ____

22 From _____ To _____

23 Page ____ Line ____ Reason ____

24 From _____ To _____

25 Page ____ Line ____ Reason ____

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1 DEPOSITION ERRATA SHEET

2 From _____ To _____

3 Page _____ Line _____ Reason _____

4 From _____ To _____

5 Page _____ Line _____ Reason _____

6 From _____ To _____

7 Page _____ Line _____ Reason _____

8 From _____ To _____

9 Page _____ Line _____ Reason _____

10 From _____ To _____

11 Page _____ Line _____ Reason _____

12 From _____ To _____

13 Page _____ Line _____ Reason _____

14 From _____ To _____

15 Page _____ Line _____ Reason _____

16 From _____ To _____

17

18 _____ Subject to the above changes, I certify that the
19 transcript is true and correct.

20 _____ No changes have been made. I certify that the
21 transcript is true and correct.

22

23

24 NICK NICHOLS

25